

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

FILED

JAN 4 2019

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

v.

JOSEPH M. ARPAIO, Sheriff,

Defendant-Appellant.

No. 17-10448

D.C. No.

2:16-cr-01012-SRB-1

District of Arizona,

Phoenix

ORDER

Before: TASHIMA, W. FLETCHER, and TALLMAN, Circuit Judges.

We have received appellee's January 2, 2019 status report stating that "the Solicitor General determined that the government will not seek certiorari in the Supreme Court." Accordingly, the stay of proceedings in this court is lifted.

The October 30, 2017 order to show cause is discharged.

The motion of Erwin Chemerinski, Michael E. Tigar, and Jane B. Tigar to participate as amicus curiae (Docket Entry No. 18) and the response (Docket Entry No. 20) are referred to the panel assigned to decide the merits of this appeal.

Appellant's motion to file an oversize brief (Docket Entry No. 21) is denied. The Clerk shall strike the opening brief at Docket Entry No. 22. By February 19, 2019 appellant shall file an opening brief that complies with the length limits set forth in 9th Cir. R. 32-1. The answering brief is due March 21, 2019. The optional reply brief is due within 21 days after service of the answering brief.

The motion to transmit a physical exhibit (Docket Entry No. 24) will be addressed by separate order.